

EXHIBIT 22

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Pennsylvania Balloting and Envelope Guidance

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Version: 1.0

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Act 77 of 2019 provides that voters in Pennsylvania now have two options to cast their vote early by either civilian absentee or mail-in ballot. Additionally, county election officials have new administrative requirements and the envelope templates have been updated to meet the new requirements of the Election Code. The following guidelines define both what is required by Act 77 and what is permissible under Act 77 or some other portion of the Election Code. The Department of State (DOS) will continue to update this guidance leading up to the 2020 Primary Election.

Who May Vote by Civilian Absentee Ballot¹

- Absentee ballots are for voters, who are not military or overseas voters, who have a reason for absence, including voters who will not be in their municipality on Election Day due to work or vacation, voters who are celebrating a religious holiday, voters with disabilities, and voters such as college students who also may be away from the municipality on Election Day, if they don't choose to vote where they go to school. Absentee ballots are also for those who are unable to attend their polling place due to illness or physical disability.

Who May Vote by Mail-in Ballot²

- If a voter does not qualify as an absentee voter, they are eligible for a mail-in ballot. An excuse is not required for a mail-in ballot. For example, if the voter won't be absent from a municipality on Election Day and would prefer to vote from home, they may request a mail-in ballot.

Deadlines

- Absentee and Mail-in Ballot Request Deadline
 - The deadline to request a mail-in ballot mirrors the absentee deadline. So, both application deadlines are 5:00 p.m. on the Tuesday before the election.
 - 2020 Primary Election Absentee/Mail-In Application Deadline – April 21, 2020
 - 2020 General Election Absentee/Mail-In Application Deadline – October 27, 2020
- Absentee and Mail-in Ballot Return Deadline
 - Act 77 of 2019 changed the deadline for voters to return their completed ballot to the county election office. The deadlines to return the ballot for both absentee and mail-in ballots are the same. The completed ballot must be returned to the county board of elections by 8:00 p.m. on Election Day.
- Emergency Absentee Period (following the initial deadline to request an absentee ballot)

¹ Election Code § 1301, 25 P.S. § 3146.1.

² Election Code § 1301-D, 25 P.S. § 3150.11.

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- An emergency absentee period is still in effect. If a voter learns, after the normal 5:00 p.m. application deadline on the Tuesday before the election, that they will be absent from the municipality on election day, they may apply for an emergency absentee ballot. It's also available for voters who become ill or physically disabled after the normal deadline. The emergency period lasts until 8:00 p.m. on Election Day. Please note the deadline to return a completed emergency absentee ballot is still 8:00 p.m. on Election Day.

Implementation

- Per Act 77 of 2019, the election reform changes will not go into effect until the 2020 Primary Election. Therefore, all previous rules are in effect for special elections prior to the 2020 Primary Election.
 - If there is a special election that falls on 4/28/2020, the new rules will apply to that election as well.
- The new mail-in application form is only effective for the 2020 Primary Election and future elections.
- The new or old absentee form may be accepted by counties prior to the 2020 Primary Election.
 - This means that county boards of election may honor the new absentee ballot request form and the older absentee form

Process for the Voter

- **Requesting a Ballot**
 - **Mail a Paper Ballot Request**
 - A voter may submit a paper application via mail to the county board of elections for absentee and mail-in ballot applications.
 - The new absentee and mail-in forms may be found at the links below:
 - [Paper Absentee Ballot Request Application Form](#)
 - [Paper Mail- in Ballot Request Application Form](#)
 - **Over the Counter Ballot Request**
 - Act 77 of 2019 allows voters to request an absentee or mail-in ballot over the counter. They may also receive and vote the ballot, if it's available, over the

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counter.

- Voters still need to adhere to ID requirements for absentee and mail-in ballot requests.
- The county board of elections **must** ensure voter secrecy is maintained throughout the process, if a voter has requested to vote their ballot in person. The Department is currently developing voter secrecy guidance to provide additional detailed direction to county boards of elections.
- **Submit an Online Ballot Request**
 - A voter may submit either an absentee or mail-in ballot request online via the Department's online portal at PA Voter Services.
 - A voter may access the online application website at the links below:
 - Online absentee ballot request application
 - It's important to note only a paper application can be submitted for a permanent absentee ballot request due to the physician's certification requirement.
 - Online mail-in ballot request application
 - An applicant may submit a permanent mail-in ballot request when completing their online mail-in ballot request application.
- Emergency ballot period
 - Voters that become eligible for absentee ballots after the deadline may apply for an emergency absentee ballot after the normal application deadline on the Tuesday before the election.
 - For example, if a voter finds out they will be absent from the municipality but did not learn they would be absent until after the Tuesday before the election, they may apply for an emergency ballot.
 - In order to apply for an emergency ballot, the voter must complete an Emergency Application for Absentee Ballot. The emergency application must be received by the county board of elections by the close of polls on election day, which is 8:00 p.m.
 - In the event the voter is unable to appear at the county board of elections to deliver their application and receive their ballot, they may designate an

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authorized representative. This designation must be made in writing.³

- The designated individual must be authorized, and documentation must be completed prior to handling the ballot on behalf of the voter.
- Multiple voters may designate the same authorized representative.

- **Ballot Request Limit**

- A voter may only qualify for one type of ballot. They will need to determine their qualification between an absentee or mail-in ballot. The Department will have helpful information on VotesPA.com to help the voter determine the appropriate ballot request. In either case, the application request must be submitted by 5:00 p.m. on the Tuesday before the election, unless the voter later qualifies for an emergency absentee ballot.

- **Ballot Return**

- A voter must return their completed ballot by 8:00 pm on Election Day to the county board of elections. Postmarks are not accepted for civilian absentee ballots or for mail-in ballots.

- **Provisional Balloting**

- Once a voter requests a civilian absentee or mail-in ballot, they may only vote a provisional ballot if they show up at their polling place on election day, and the district register shows the voter has not voted an absentee or mail-in ballot.⁴
- If a voter returns their ballot timely, they are no longer permitted to vote at the polling place.
- A provisional ballot remains available for those that didn't request a mail-in or absentee ballot, but aren't in the poll book.

Process For County Elections Officials

- **Accepting Ballot Requests**

- The county board of elections must begin processing civilian absentee and mail-in ballot requests no later than the 50th day before the election.
 - However, the county may choose to accept ballot requests prior to the 50th day before the election.

³ Election Code § 1302.1, 25 P.S. § 3146.2a(a.3)(4).

⁴ Election Code § 1210, 25 P.S. § 3050(a.4)(1).

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- The county boards of elections are still required to accept civilian absentee ballot requests until 5:00 p.m. on the Tuesday before the election. This also applies for mail-in ballot requests.
 - However, the emergency absentee period is still in effect and counties must accept those applications after the 5:00 p.m. deadline on the Tuesday before the election and up to 8:00 p.m. on Election Day.
- The county board of elections **must** only accept the new mail-in request forms for the upcoming 2020 Primary Election.
 - If a voter in a county with a special election scheduled prior to the April 2020 primary submits one of the new mail-in forms, the county is not required to accept those forms as ballot requests for the special election(s). However, counties should contact the voters to inform them that they will only receive a ballot for the April primary, unless they qualify to vote by absentee in the special election.
 - Consistent with Act 77, counties must accept the mail-in applications as a request for the upcoming primary election.
- As mentioned above, the county should accept either the old or new absentee ballot request form.

- **Tracking Ballot Requests**
 - Now voters have the ability to track their absentee and mail-in ballot requests, which also includes mailing ballots to the voter and receiving the completed ballot in the county election office.
 - The voter will have the opportunity to visit PA Voter Services to look up their ballot request status online. The functionality will be available online no later than early March 2020.
 - A voter will receive notifications via email, if an email was supplied on their civilian absentee or mail-in ballot application. The voter will be notified:
 - when the ballot request is approved;
 - when the ballot label is queued for printing; and
 - when the completed ballot is returned and marked as received in the county board of elections.

- **Poll Books**
 - As soon as a voter requests a civilian absentee ballot or mail-in ballot, they are **only** entitled to vote by provisional ballot if they show up at their polling place, and the voter is not shown on the district register as having voted an absentee or mail-in

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ballot.⁵ The poll book will be marked to indicate the voter may only vote provisionally to prompt the poll worker when checking in voters.

- Additionally, if the voter returns their completed ballot timely to the county board of elections, the poll book will indicate the voter's ballot was cast and they are not eligible. This will aid the poll worker when checking in voters to determine if the voter is permitted to vote in person, or to even receive a provisional ballot.
- The watermarks in the poll books as listed above also apply to voters with a permanent flag on their voter record. In either case, the poll worker will be able to determine the best course of action when reviewing the poll book on election day.

- **Provisional Balloting**

- Act 77 of 2019 establishes provisional balloting as the only option for voters to cast their vote in the event their absentee or mail-in ballot is not returned to the county by 8:00 p.m. on election day.
- If a voter returns their ballot timely, they are no longer permitted to vote at the polling place.
- However, if the voter's ballot is not timely returned to the county, they are entitled to vote by provisional ballot only at the polling place.

- **Ballot Design Requirements**

- With the implementation of Act 77 of 2019, absentee ballots and mail-in ballots must be separately marked.
 - Absentee ballots must be marked with "Official Absentee Ballot"⁶
 - Mail-in ballots must be marked with "Official Mail-in Ballot"⁷
- A warning notice is required to be listed on both the absentee and mail-in ballots.
 - Example for Absentee Ballot: "WARNING: If you receive an absentee ballot and return your voted ballot by the deadline, you may not vote at your polling place on election day. If you are unable to return your voted absentee ballot by the deadline, you may vote a provisional ballot at your polling place on election day."
 - Example for Mail-in Ballot: "WARNING: If you receive a mail-in ballot and return your voted ballot by the deadline, you may not vote at your polling place on election day. If you are unable to return your voted mail-in ballot

⁵ Election Code § 1210, 25 P.S. § 3050(a.4)(1).

⁶ Election Code § 1303, 25 P.S. § 3146.3.

⁷ Election Code § 1303-D, 25 P.S. § 3150.13.

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by the deadline, you may vote a provisional ballot at your polling place on election day.”

- **Envelope Design**

- The civilian absentee and mail-in ballot envelopes were streamlined for voter understanding as well as processing at the county election office.
- The new envelope templates make use of white space to optimize instructions and information to the voter in addition to the ballot materials contained within the package.
- The new envelope designs make use of best practices and usability in other state jurisdictions.
- The templates also incorporate visual cues to county election officials to quickly identify types of ballots based on the color and letter designation on the envelope.
- Envelope Packaging
 - County Election Boards are encouraged to share their envelope artwork designs with the Department to ensure compliance with the new envelope templates. This is also an opportunity for the Department to assist the county elections board while implementing the new envelope template.
 - Currently, the Department has developed two (2) variations for absentee or mail-in balloting material
 - Absentee and Mail-in Envelope Variation #1
 - The first variation make use of the #12, #11, and #10 sized windowless envelopes.
 - County election boards have the option to use a county logo on the outer and return envelope.
 - County election boards also have the option to provide their contact information on the outer most envelope.
 - Absentee and Mail-in Envelope Variation #2
 - The second variation make use of the #11, #10, and #9 sized windowless envelopes.

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- Similar to variation #1, County election boards have the option to use a county logo on the outer and return envelope.
- Similar to variation #1, County election boards also have the option to provide their contact information on the outer most envelope.
- The county board of elections should be mindful of envelope weight between the two envelope variations as the amount of ballot material could increase the cost of postage.
- If the core elements are assembled in the balloting material (i.e. outer envelope, return envelope, secrecy envelope, instructional handouts), the county should choose the envelope template that best meets their balloting needs.
- Please see the supplemental document containing more detailed information about the revised envelope templates [here](#).
- Counties may print one outgoing outer envelope to be used for both absentee and mail-in ballots.
- The return envelopes must be separate as civilian absentee and mail-in ballots require different declarations and are required to be named either “Official Absentee Ballot” or “Official Mail-in Ballot.”
- The secrecy envelopes must also be separate, as civilian absentee and mail-in ballots require different titles. They must either be printed as “Official Absentee Ballot” or “Official Mail-in Ballot.”
- The return envelopes must include a declaration from the voter stating their qualifications.

- Instructional inserts
 - The Department recommends adding helpful instructions for the voter when they receive the ballot material.
 - Suggested text for consideration will be distributed during the week of January 27, 2020.
- The Department is currently developing a template for larger ballot styles as needed by the county and will issue them in the next week.

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- Counties are encouraged to contact the DOS at RA-STBEST@pa.gov with their envelope size requirements.
- The Department is also developing bilingual templates for county election offices that are required to produce language-compliant balloting material.
- If a county election office requires a different size, they should notify the DOS Bureau of Election Security and Technology for assistance immediately. The Department will quickly update the template to fit your ballot size requirements. You may reach out to the Bureau at RA-STBEST@pa.gov.
- Types of Ballot Envelopes
 - Absentee Ballot
 - Outer Envelope (1st envelope) – this is the outer most envelope that contains all balloting material including the return envelope and secrecy envelope. This is the envelope package that is initially sent to the voter.
 - If the county is considering a merged envelope, the outermost envelope should be titled with “Official Election Ballot.”
 - If the county is considering a separate outermost envelope for a civilian absentee ballot, the envelope must be titled “Official Absentee Ballot.”
 - The outermost envelope must contain blue coloring and two horizontal bars containing the envelope title.
 - Return Envelope (2nd envelope) – this is the return envelope on which the voter will sign their declaration, and within which the voter will seal their secrecy envelope prior to mailing their completed ballot to the county.
 - The return envelope must contain blue coloring and two horizontal bars containing the envelope title.
 - This must read “Official Absentee Ballot.”
 - The specific color palette will be distributed to the county election offices.
 - Absentee Secrecy Envelope (3rd envelope) – this is the secrecy envelope into which the voter will place their voted ballot.
 - The civilian absentee secrecy envelope must be separate from a mail-in secrecy envelope and it must be titled

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"Official Absentee Ballot."

- The secrecy envelope may not contain any marks other than the envelope title.
- Mail-in Ballot
 - Outer Envelope (1st envelope) – this is the outermost envelope that contains all balloting material, including the return envelope, ballot, and secrecy envelope. This is the envelope package that is initially sent to the voter.
 - If the county is considering a merged envelope, the outermost envelope should be titled with "Official Election Ballot."
 - If the county is considering a separate outermost envelope for mail-in ballots, the envelope must be titled "Official Mail-in Ballot."
 - The outer most envelope must contain blue coloring and two horizontal bars containing the envelope title.
 - This shade of blue will be lighter versus the absentee ballot envelope and the outer envelope to easily distinguish between the two.
 - The specific color palette will be distributed to the county election offices.
 - Return Envelope (2nd envelope) – this is the return envelope on which the voter will sign their declaration, and within which the voter will seal their secrecy envelope prior to mailing their completed ballot to the county.
 - The return envelope must contain blue coloring and two horizontal bars containing the envelope title.
 - The specific color palette will be distributed to the county election offices.
 - This must read "Official Mail-In Ballot."
 - Mail-in Secrecy Envelope (3rd envelope) – this is the secrecy envelope into which the voter will place their voted ballot.
 - The mail-in secrecy envelope must be separate from a civilian absentee secrecy envelope and it shall be titled

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"Official Mail-in Ballot."

- The secrecy envelope shall contain no other marks other than the envelope title.
- UOCAVA Ballot
 - The template for the UOCAVA ballot remains unchanged. However, the Department intends to update the template following the 2020 Primary Election.
- Provisional Ballot
 - Outer Envelope (1st envelope) – this is the envelope upon which the voter will sign their declaration, and within which the voter will seal their secrecy envelope.
 - The Department anticipates a release of the revised provisional ballot envelope during the week of January 27th
 - Provisional Secrecy Envelope (2nd envelope) – this is the secrecy envelope into which the voter will place their voted ballot.
 - The Department anticipates a release of the revised provisional ballot envelope during the week of January 27th
- Emergency Ballot
 - The Department anticipates the release of a new emergency ballot envelope during the week of January 27th if the county wishes to utilize an envelope for their emergency ballots.

- **Canvassing Ballots**
 - County boards of election may not open civilian absentee or mail-in ballots prior to 8:00 p.m. on Election Day. The canvass is set to begin no earlier than the close of polls.
 - County boards of election are required to keep civilian absentee and mail-in ballots in a sealed or locked container(s) until the canvass begins.
- **Challenging Ballots**

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- The absentee ballot challenge process remains mostly unchanged and now applies to mail-in ballots in addition to civilian absentee ballots.
 - The challenge process now happens at the county board of elections instead of the polling place.
 - Also, an absentee ballot issued due to absence from the municipality may no longer be challenged on the basis the voter was within the municipality on Election Day.
- The county board must give any candidate or party representative an opportunity to challenge an elector's ballot.
- The following are the only grounds for challenging an absentee or mail-in ballot:
 - The absentee or mail-in elector is not a qualified elector;
 - An absentee elector claiming illness or physical disability was able to appear at the polling place.
- Upon challenge of a civilian absentee or mail-in elector, the board shall mark "Challenged" on the envelope with the appropriate challenge reason.
- The challenged civilian absentee or mail-in ballot shall remain unopened until a final determination is made by the county board of election during canvass.

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Version History:

Version	Date	Description	Author
1.0	1.30.2020	Initial document release	Bureau of Election Security and Technology